



08-CV-05664-CMP

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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT TACOMA**

11 **PRISCILLA BROWNE,**) Case No.
12)
13 Plaintiff,) **COMPLAINT**
14)
15 vs.)
16 **GC SERVICES, LP**) **JURY TRIAL DEMANDED**
17 Defendant.)
18)

19 **I. NATURE OF ACTION**

20 1. This is an action for damages brought by an individual consumer for
21 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §
22 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington,
23 Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,
24 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of
25 privacy by intrusion, ancillary to Defendant's collection efforts.
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28 Complaint - 1

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II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Priscilla Browne, is a natural person residing in the State of Washington, County of Clark, and City of Vancouver.

4. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a "debtor" as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendant, GC Services, LP ("Defendant") was a limited liability company engaged, by use of the mails and telephone, in the business of attempting to collect a "debt" from Plaintiff, as defined by 15 U.S.C. § 1692a(5).

6. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a "licensee," as defined by RCW § 19.16.100(9).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one hundred twenty days preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

1 a) Communicating with Plaintiff at times or places which were known
2 or should have been known to be inconvenient for Plaintiff, including
3 placing a phone call to Plaintiff at 6 am local time for Plaintiff (§
4 1692c(a)(1));

5 b) Overshadowing the disclosures required by 15 USC § 1692g(a)
6 during the thirty-day dispute period, including, within the thirty-day
7 dispute period and before she had had a chance to receive the initial
8 disclosures required by § 1692g, threatening to sue if she did not pay
9 in 3 days (§ 1692g(b));

10 c) Falsely representing or implying that Plaintiff had committed a
11 crime or other conduct, in order to disgrace Plaintiff, including
12 accusing Plaintiff of "running away from the bank" and of being
13 dishonest (§ 1692e(7)); and,

14 d) Contacting Plaintiff at her place of employment after being
15 informed that such calls are inconvenient to Plaintiff (§
16 1692c(a)(1)(3)).

17 9. Defendant's aforementioned activities, set out in paragraph 8, also
18 constitute an intentional intrusion into Plaintiff's private places and into private
19 matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable
20 person. With respect to the setting that was the target of Defendant's intrusions,
21 Plaintiff had a subjective expectation of privacy that was objectively reasonable
22 under the circumstances.

23 10. As a result of Defendant's behavior, detailed above, Plaintiff
24 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,
25 embarrassment, mental anguish and emotional distress.
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**COUNT I: VIOLATION OF FAIR DEBT
COLLECTION PRACTICES ACT**

11. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered
against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct
violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY
ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON
CONSUMER PROTECTION ACT**

12. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered
against the Defendant for the following:

- B. Actual damages;
- C. Discretionary Treble Damages;

1 D. Costs and reasonable attorney's fees,

2 F. For such other and further relief as may be just and proper.

3 **COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

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5 13. Plaintiff reincorporates by reference all of the preceding paragraphs.

6 **PRAYER FOR RELIEF**

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8 WHEREFORE, Plaintiff respectfully prays that judgment be entered
9 against the Defendant for the following:

10 A. Actual damages

11 B. Punitive Damages; and,

12 C. For such other and further relief as may be just and proper.

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16 Respectfully submitted this 3rd day of November, 2008.

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19 s/Jon N. Robbins

20 Jon N. Robbins

21 WEISBERG & MEYERS, LLC

22 Attorney for Plaintiff